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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AL CORP COMMISSION
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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF:

CHARLES J. DAINS,

Complainant,

v.

RIGBY WATER COMPANY,

Respondent.

DOCKET NO. W-01808A-09-0137

PROCEDURAL ORDER

BY THE COMMISSION:

On March 19, 2009, Charles J. Dains ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint ("Complaint") against Rigby Water Company ("Rigby" or "Respondent"). The Complainant alleges a dispute between the parties regarding a main extension agreement and requests that the Commission grant Complainant relief in the amount of \$237,000 less any previously refunded amounts.

On April 13, 2009, Rigby filed an Answer to Formal Complaint and a Motion to Dismiss the Complaint.

On May 5, 2009, Complainant filed a Response to Answer to Formal Complaint and Motion to Dismiss and a Motion for Summary Judgment.

On May 14, 2009, by Procedural Order, a procedural conference was set for June 2, 2009.

On May 18, 2009, Rigby filed Notice of Filing Mainline Extension Agreement.

On May 18, 2009, Rigby filed a Reply in Support of Motion to Dismiss.

On June 2, 2009, a procedural conference was held as scheduled. Counsel for Complainant, Respondent, and Staff appeared for the conference. At the conclusion of the procedural conference, the parties were directed to discuss settlement of the issues, and to jointly file a status report on the settlement discussions.

1 On June 9, 2009, Rigby filed a Response to Complainant's Motion for Summary Judgment.

2 On June 29, 2009, counsel for Complainant and Respondent filed a Joint Filing Regarding
3 Settlement Status, stating the parties had been unable to reach a settlement of the issues.

4 A review of the Complainant's Motion for Summary Judgment and Respondent's Response
5 thereto demonstrates that genuine issues of dispute have been raised in this matter and therefore a
6 hearing should be scheduled to resolve the issues.

7 IT IS THEREFORE ORDERED that a **hearing** in this matter shall commence on **October 29,**
8 **2009, at 10:00 a.m., in Room 100** , at the Commission's offices, 1200 West Washington, Phoenix,
9 Arizona.

10 IT IS FURTHER ORDERED that the parties shall continue to work toward a reasonable
11 solution of the dispute.

12 IT IS FURTHER ORDERED that the **parties shall exchange witness lists, a summary of**
13 **each witnesses' testimony, and copies of any exhibits** that they intend to introduce at the hearing
14 not later than **October 16, 2009**. Courtesy copies of the witness lists, summary of witnesses'
15 testimony, and exhibits shall also be provided to the presiding Administrative Law Judge in the
16 proceeding by the aforementioned date.

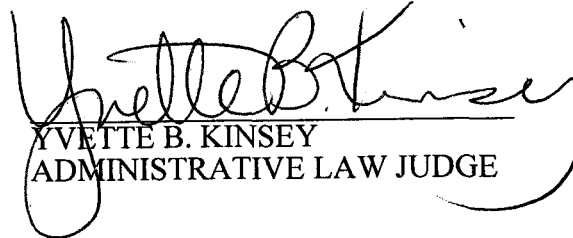
17 IT IS FURTHER ORDERED that the **Commission's Utilities Division** shall participate in
18 this proceeding.

19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
20 Communications) continues to apply to this proceeding.

21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
23 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
24 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
25 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
26 the Administrative Law Judge or the Commission.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 15th day of September, 2009.

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7 
8 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 15th day of September, 2009 to:

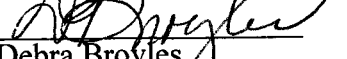
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26 By: 
27 Debra Broyles
28 Secretary to Yvette B. Kinsey